

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re: Chapter 13 Motions Practice

**ADMINISTRATIVE ORDER EFFECTIVE OCTOBER 10, 2001, ESTABLISHING
MANDATORY PROCEDURES GOVERNING CHAPTER 13 MOTIONS FOR
RELIEF FROM STAY AND ANY OTHER MOTION INITIALLY SET FOR HEARING
ON THE CHAPTER 13 SPECIAL HEARING CALENDAR**

AND NOW, this 7th day of October, 2001, it is **ORDERED** that, as of October 10, 2001, mandatory procedures governing Chapter 13 motions for relief from stay and any other motion initially set for hearing on the Chapter 13 Special Hearing Calendar are in effect for the Bankruptcy Court for the District of Delaware. This Administrative Order modifies Local Bankruptcy Rule 4001-1. All Counsel for movants and respondents, and all movants and respondents who are not represented by counsel, shall adhere to the policy which is located on the Court's website at www.deb.uscourts.gov. Copies also may be obtained at the Bankruptcy Clerk's Intake Counter. Counsel and *pro se* litigants shall also refer to the website for the list of mandatory Chapter 13 hearing and response dates which list shall be updated from time to time as directed by the Court. The list of dates also may be obtained at the Bankruptcy Clerk's Intake Counter.

It is **FURTHER ORDERED** that, as of the effective date, **no telephone calls shall be made to the office of the Clerk requesting dates for hearings on matters subject to this Order.**

It is **FURTHER ORDERED** that this Order shall not apply to adversary proceedings, to motions filed within adversary proceedings, or to motions filed by the Standing Chapter 13 Trustee **except as specifically provided in the Mandatory Procedures.**

/s/
Judith K. Fitzgerald, Bankruptcy Judge

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re:

Chapter 13 Motions Practice

**MANDATORY PROCEDURES EFFECTIVE OCTOBER 10, 2001, GOVERNING
CHAPTER 13 MOTIONS FOR RELIEF FROM STAY AND
ANY OTHER MATTER THAT MAY BE SUBJECT TO
THE CHAPTER 13 SPECIAL HEARING CALENDAR**

Pursuant to the Administrative Order dated October 7, 2001, which modifies Local Bankruptcy Rule 4001-1, the following procedures are in effect as of October 10, 2001, with respect to all motions for relief from stay and any other motion initially set for hearing on the Chapter 13 Special Hearing Calendar. From and after the effective date of these procedures, **NO telephone calls shall be made to the office of the Clerk requesting dates for hearings on motions subject to the Administrative Order.**

These procedures do not apply to motions filed by the Standing Chapter 13 Trustee. These procedures do not apply to adversary proceedings or to motions filed within an adversary.

**CONTINUANCES OF MATTERS SET FOR HEARING WILL NOT BE
GRANTED UNLESS A STIPULATION IS FILED AT LEAST ONE CALENDAR
WEEK BEFORE THE HEARING DATE. NOTICE OF ORDERS ENTERED BY
DEFAULT WILL BE POSTED ON THE WEBSITE AT LEAST ONE DAY
PRIOR TO THE HEARING DATE.**

A. Movant's Responsibilities

1. Movant shall choose a hearing date from the list provided below. **ONLY** the hearing dates listed below shall be used. Any matters scheduled by movant for a date other than one listed below **shall be dismissed without prejudice to being refiled, renoticed, and rescheduled by movant for an authorized date.**
2. At least 25 calendar days before the chosen authorized hearing date, movant shall simultaneously file and serve the motion and notice of hearing on the Chapter 13 Trustee and all parties affected by the relief requested. Movant shall file a certificate of service with the motion and notice of hearing. **Any party who files a motion for relief from stay more than 30 days before the authorized hearing date shall be deemed to have waived 11 U.S.C. §362(e).**

3. The notice of hearing shall state the date, time, and place of hearing and shall include, in **CAPITAL LETTERS AND IN BOLD TYPE** the following statement which shall not be altered:

**ANY RESPONSE MUST BE FILED AND
SERVED TOGETHER WITH A
CERTIFICATE OF SERVICE ON OR
BEFORE _____. FAILURE TO
TIMELY FILE AND SERVE A RESPONSE
WILL RESULT IN AN ORDER GRANTING
THE RELIEF REQUESTED IN THE
MOTION.**

4. The response date **must** be the date designated by the Court in its list of authorized response dates.
5. The movant shall insert on the blank line in the statement in ¶ 3 the response date that is published from time to time by the Court which corresponds to the authorized hearing date movant has chosen. The list of hearing and response dates appears below. **No variation in hearing or response dates is permitted.**
6. So as to control the calendar call on motions days, the Clerk will designate specific times for hearings for high volume filers. If you or your firm have been instructed to use a particular time, do so. Otherwise, the time for hearing shall be 10:30 a.m.
7. When a motion or response is filed with the Clerk, the filing party must simultaneously e-mail same, in .pdf format only to Rachel Bello, Judge Fitzgerald's Chapter 13 clerk, at Rachel_Bello@deb.uscourts.gov.
8. **Failure of movant to comply with any part of these procedures shall result in the motion being dismissed without prejudice subject to refiling in accordance with these procedures.** If the motion is dismissed, movant shall be required to notify all respondents and parties in interest with notice of the dismissal order and cancellation of the hearing.
9. If a matter is dismissed without prejudice for noncompliance with these procedures, movant may refile the pleading **but only in compliance with all of the provisions of this policy. ANY ADDITIONAL COSTS AND/OR FEES INCURRED AS THE RESULT OF THE DISMISSAL SHALL NOT BE CHARGED TO RESPONDENT(S) BY THE MOVANT(S).**

10. A proposed order granting the relief requested shall be attached to each motion or other matter subject to these procedures.
11. Certificates of No Objection need not be filed as to any matter included in these procedures.

B. Respondent's Responsibilities

1. All responses **must** be filed and served, together with a certificate of service, on or before the date provided in the notice.
2. All responses must contain the caption as it appears on the motion for relief from stay or other matter subject to these procedures.
3. **FAILURE TO TIMELY FILE A RESPONSE WILL RESULT IN AN ORDER GRANTING THE RELIEF REQUESTED IN THE MOTION.**

C. Special Rules Governing Adversaries in Chapter 13 Cases

When an adversary complaint or answer is to be filed with the Clerk, the filing party must deliver the **original and one copy of the complaint and summons or answer** (as applicable) to **Rachel Bello**, Judge Fitzgerald's Chapter 13 clerk, **with a cover sheet** that states:

PRIORITY CORRESPONDENCE

**DELIVER IMMEDIATELY TO
RACHEL BELLO**

Rachel_Bello@deb.uscourts.gov

**824 Market Street, 5th Floor
Wilmington, DE 19801**

This procedure shall remain in place until mandatory electronic filing of Chapter 13 matters becomes effective.

AUTHORIZED CHAPTER 13 HEARING & RESPONSE DATES

Required Hearing Times, Regardless of Date of Hearing

9:00 a.m. - **Becker & Becker**

9:30 a.m. - **Welch & Associates**

10:00 a.m. - **Matterlman, Weinroth & Miller/Lyons Doughty & Veldhuis**

10:30 a.m. - AVAILABLE FOR USE

Hearing Dates

Response Dates

October 30, 2001

October 22, 2001

November 27, 2001

November 19, 2001

December 18, 2001

December 10, 2001

January 29, 2002

January 22, 2002

February 26, 2002

February 19, 2002

March 19, 2002

March 12, 2002

April 23, 2002

April 16, 2002

May 21, 2002

May 14, 2002

June 17, 2002

June 10, 2002

July 23, 2002

July 15, 2002

August 27, 2002

August 20, 2002

September 24, 2002

September 17, 2002

October 29, 2002

October 22, 2002

November 26, 2002

November 19, 2002

December 17, 2002

December 10, 2002

- PRIORITY CORRESPONDENCE-

PLEASE DELIEVER IMMEDIATELY TO:

RACHEL BELLO

Office of the Clerk

United States Bankruptcy Court, District of Delaware

824 Market Street, 5th Floor

Wilmington, DE 19801

Please use the above example when filing the courtesy copies of the Motion for Relief From Stay and All Responses to these motions.

Thank you.